

**EXHIBIT “3”**

**PATROL GUIDE**

Section: Disciplinary Matters

Procedure No: 206-12

**REMOVAL OF FIREARMS FROM INTOXICATED UNIFORMED  
MEMBER OF THE SERVICE**

DATE ISSUED:

10/10/03

DATE EFFECTIVE:

10/17/03

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03-04

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**PURPOSE**

To determine if an on/off duty uniformed member of the service is unfit for duty due to intoxication.

**DEFINITION**

**INTOXICATION** - Unfitness for duty due to the influence of alcohol, narcotics, or other drug, or under circumstances in which surrounding events of a timely nature indicate that the member may have been intoxicated during an earlier period directly related to the incident in question.

**PROCEDURE**

Upon observing a uniformed member of the service who appears unfit for duty due to intoxication:

**SUPERVISORY  
MEMBER**

1. Direct that member remain at Department facility or other location pending the arrival of commanding officer/duty captain.
2. Prepare, immediately, **SUPERVISOR'S FITNESS FOR DUTY REPORT (PD469-150)** based upon observations of member of the service.
3. Notify precinct commander/duty captain to respond to facility.

**COMMANDING  
OFFICER/  
DUTY CAPTAIN**

4. Prepare, immediately, **SUPERVISOR'S FITNESS FOR DUTY REPORT** based upon observations of member of the service.
5. Conduct an investigation to determine if member is unfit for duty due to intoxication at the time of the alleged misconduct.

**NOTE**

*Common sense standards will be applied to determine whether a member of the service is unfit for duty due to intoxication. Commanding officers/duty captains will examine the totality of the circumstances and will consider all credible relevant information when determining a member's fitness for duty. Such information will include all **SUPERVISOR'S FITNESS FOR DUTY REPORTS** prepared, any witness statements made by civilians or members of the service, and any available scientific evidence (Breathalyzer, blood test, etc.). On the basis of all available information, viewed in light of the time elapsed since any alleged acts of misconduct or since the first supervisory observation of the member, the commanding officer/duty captain will conclude whether the member was unfit for duty at the time of the alleged misconduct.*

6. Remove firearms when it is determined that member is intoxicated (see P.G. 206-17, "Removal And Restoration Of Firearms").
7. Place member on modified assignment or suspend from duty, as appropriate.
8. Advise member of availability of Counseling Service Program.

**NOTE**

*A supervisory officer is mandated in all cases to contact the Counseling Services Unit on behalf of a member who is placed on modified assignment, suspended, or has his/her firearms removed due to being unfit for duty. The services of the Counseling Service Program are not available to personnel for illegal drug use and/or abuse problems.*

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**COMMANDING  
OFFICER/  
DUTY CAPTAIN  
(continued)**

9. Have supervisory officer contact Counseling Service DIRECT, during normal business hours. At other times, conferral with a counselor may be requested by contacting the Sick Desk supervisor.
10. Prepare five (5) copies of all completed **SUPERVISOR'S FITNESS FOR DUTY REPORTS** (commanding officer/duty captain's and referring supervisor's).
11. Prepare seven (7) copies of a report on **Typed Letterhead** detailing observations and circumstances that led to determination that member was unfit for duty and forward each, with copies of all **SUPERVISOR'S FITNESS FOR DUTY REPORTS**, as follows:
  - a. First Deputy Commissioner - Original (DIRECT)
  - b. First Deputy Commissioner (THROUGH CHANNELS)
  - c. Chief of Department (DIRECT)
  - d. Chief of Personnel (DIRECT)
  - e. Deputy Commissioner - Trials
  - f. Department Advocate's Office
  - g. Member's commanding officer.

**ADDITIONAL  
DATA**

*Prior to final adjudication of a disciplinary matter, in all misconduct cases in which the use of alcohol is indicated, a conferral with the Early Intervention Unit must be made, and an alcoholism assessment by the Counseling Services Unit, must be conducted. In addition, in appropriate cases, final adjudication of the disciplinary matter will be held in abeyance pending completion of treatment for alcoholism. The Department Advocate's Office or the Office of the Special Prosecutor, as appropriate, are required to ensure that these steps are taken.*

**RELATED  
PROCEDURES**

*Cause For Suspension Or Modified Assignment (P.G. 206-07)  
Suspension From Duty (P.G. 206-08)  
Modified Assignment (P.G. 206-10)  
Administration Of Drug Screening Tests For Cause (P.G. 205-30)  
Removal/Restoration Of Firearms (P.G. 206-17)*

**FORMS AND  
REPORTS**

**SUPERVISOR'S FITNESS FOR DUTY REPORT (PD469-150)**  
**Typed Letterhead**